

To the Senate and House of Representatives of Pennsylvania, in General Assembly met:

THE petition of John Dougherty, a citizen of Pennsylvania, respectfully prayeth your honorable bodies to pass a law making provision for the payment from the Treasury of this Commonwealth, of a sum of money equivalent to the losses sustained by him, during the past year, by reason of an inequality in motive power wheel tolls, and other charges, by which your petitioner was prevented from using his stock of trucks, planes, &c. and by which your petitioner's trucks, planes, &c. were rendered valueless, and could not be sold for one-third their value, as the same were prevented from being used by the inequality of charges made in favor of boats passing on State trucks, and against boats using the trucks of your petitioner.

During the session of 1842, the Legislature of Pennsylvania passed a law authorizing the Canal Commissioners to provide *additional* trucks for use of section boats on the Columbia and Philadelphia and on the Allegheny Portage railroads, providing that the whole expenditure, for all purposes connected with the same, should not exceed the sum of forty thousand dollars; and further, that the expenses of the same be paid from the revenue to be derived from the use of the said trucks, &c. There was no authority in that, or any previous law, that was designed to prevent the trucks owned by your petitioner, and those interested with him, from being used in the same manner as they were used previous to the passage of the law referred to; and further, there is no condition or section of said Act of 1842, that made it imperative on your petitioner to sell his trucks for a sum equal to about one-half their cost, and to be paid, not directly by an appropriation from the State Treasury, but from the rents or hire of his own trucks; a sum so much less than their value—terms so indefinite, and on time so uncertain and remote—and at the period of time proposed, (viz: Sept. 15th, 1842,) when the limitation of *forty thousand dollars* had already been greatly exceeded, and when the Canal Commissioners had under contract sixteen trains of trucks to be furnished on or before the first of October, 1842, for which they were to pay *thirty-two thousand dollars*, and also three boat slips, which cost upwards of thirty-five thousand dollars, in addition to cost of State trucks—sums that greatly exceeded the amount limited by law, and therefore rendering any additional obligations unsafe and illegal. Terms such as these, your petitioner could not accept, and on such terms as these no common sense farmer would sell his farm or his dwelling. Your petitioner was and is of the opinion, that it was not intended by the framers of the Act of 1842, (referred to,) to prevent your petitioner or other persons from using their trucks on the State railroads, on the payment of the same rates of toll and motive power charges as is paid by persons using the State trucks. Your petitioner would, respectfully, refer you to the official report of John Snodgrass, Esq., Superintendent of the Allegheny Portage railroad, showing the inequality in tolls and other charges, as compared with the revenue derived from trucks owned by individuals, to which should be added the sum received for hire of State trucks, and paid over to the contractors who provided the State with trucks, under a contract to be paid out of the revenue to be derived from the use of trucks in transporting section boats.

Extracts from Mr. Snodgrass' Report:

	Paid by Ind'l Trucks.
“ 1104 boats carried on State trucks, paid no motive wheel power tolls.	
1104 do. if carried on your petitioner's trucks would pay	7,948 80
400 trains of State trucks paid no tolls or motive power charges.	
400 do. of your petitioner's trucks would have paid \$8 64, per trip each,	3,456 00
1104 boats carried on State trucks, pay nothing for use of boat slips.	
1104 do. if carried on your petitioner's trucks, are charged each \$3 50,	3,864 00
Repairs of State trucks, oils, car-men, &c. would have been paid out of the hire, if owned by individuals, not out of the money of Commonwealth, as has been done,	6,081 00
Annual ware and tare, 10 per cent.	3,600 00
Difference of tolls and charges, in favor of State trucks, and against the trucks of individuals <i>in one</i> year on the Portage railroad, (to which is to be added the difference on Columbia railroad,)	<u>\$24,949 80</u>

To this sum of \$24,949 80, is to be added the amount of money paid from motive power fund, over and above the revenue derived from the hire of State trucks, and also the sum of thirty thousand dollars, as per statement of James Potts, Esq., Collector at Johnstown, who states the loss of tolls, by the detention of section boats, awaiting their turn of State trucks, at upwards of *thirty thousand* dollars, thus exhibiting the loss of revenue to the State, as follows, viz:

On the Portage railroad <i>alone</i> , in 1843, for difference of tolls and other charges,	\$24,949 80
Amount of money paid for trucks and boat slips,	\$14,812 00
Less the amount received for truckage, or hire of trucks,	10,487 06
	<u>4,324 94</u>
Add loss of tolls on the boats detained, as per Mr. Potts' report,	30,000 00
	<u>\$59,274 74</u>

It will be evident that your petitioners charge of fifty cents per ton on an amount of tonnage, equal to the tonnage sent on State trucks, would amount to \$10,200, which is upwards of \$15,000 less than the inequality of charges which your petitioner's trucks was subjected to, and which amounted to a prohibition against the use of your petitioner's trucks, &c. These unequal discriminations charged on boats using your petitioner's trucks was productive of great injury to your petitioner, as well as injurious to the revenue of this Commonwealth.

Your petitioner would respectfully call your attention to the greatly exaggerated reports of the increase of trade on the State works, from use of State trucks. The returns of the collectors of tolls on Portage railroad, state the amount of tonnage carried on State trucks at 21,000 tons; of this tonnage 6-10th could have passed on your petitioner's trucks, leaving about 8,000 tons *only* that was added to the trade of Pennsylvania by the use of State trucks, and this small increase of the facilities afforded to section boat owners would have been provided in the same manner, as your petitioner had heretofore provided a sufficient number of trucks for *all* section boats built and in use during the five preceding years, without one dollar of appropriation by the *State*. This trifling addition of 8,000 tons of freight has cost this Commonwealth upwards of \$65,000 for boat slips and State trucks, and a loss of tolls in *one* year of upwards of \$59,000 on

one portion of the State works—a pretty expensive means of increasing the tonnage on the State works, to say nothing of the injustice of depriving your petitioner of the use of his stock, and the injudicious policy of destroying by oppressive measures the energy and usefulness of one to whose *ingenuity* and *enterprize* the Commonwealth of Pennsylvania is indebted for the section boat system ; in the early introduction of which your petitioner met with many and serious difficulties from the want of confidence in the system, (by the mercantile community)—the opposition of rival interests—the refusal of the Canal Commissioners, in 1837, who passed a resolution prohibiting your petitioner from using his section boats on the railroads of this Commonwealth, (for the reason that the using of boats on railroads was *unprecedented*)—the disastrous results of the breach on the Juniata division of the Pennsylvania canal, in 1838, in which your petitioner lost a large amount of property and money—the prohibition of 1837—the Huntingdon breach of 1838, and the boats and goods then lost, together with the expenses of *agencies, rents, clerks, &c. &c.*, eventuated in a loss to your petitioner of *thirty-two thousand five hundred dollars*, being the whole amount of capital stock owned by your petitioner, in the business of transportation at that time.

Your petitioner does not complain of the *early* difficulties to which this system was exposed—the tendency of which was to remedy many of its defects—to induce your petitioner to throw open his section boat sytem to individual boat owners—and to which this Commonwealth is indebted for the introduction of individual enterprize on the main line of your State improvements. This is evident from the circumstance, that previous to the month of April, 1843, the State had not in any way added to the facilities of transportation—and there were then built by your petitioner, and in use, fifteen trains of trucks and three boat slips—also, upwards of sixty section boats then in use, of which thirty-nine boats were built by your petitioner, for the use of persons engaged with him in the business of transportation.

Your petitioner would respectfully pray your honorable bodies to make such provision, by law, as will either enable your petitioner to use his trucks, by the payment of the same tolls and charges for use of boat slips as are charged on boats using trucks owned by the State, or to make an appropriation of such a sum of money as will refund to your petitioner the *cost* of his trucks and the inclined planes erected by him, together with a reasonable allowance for the losses sustained in 1843, by the inequality of tolls referred to.

Your petitioner would respectfully suggest that a law allowing the trucks of individuals to be used, either by purchasing those trucks now built, or enabling them to be used on payment of the same tolls, and motive power and charge for boat slips, as are charged on boats using State trucks, will be the means of affording ample facilities to all section boats now built, and also induce individual capital to provide such an additional number of trucks as shall, from time to time, be demanded for the use of boats that shall hereafter be built. The report of the Canal Commissioners show the number of boats passed on ten trains of State trucks in 1843, over the Portage railroad, to be *one thousand one hundred and four*—your petitioner's trucks will increase the facilities sufficient to pass *one thousand seven hundred and sixty-six* boats in 1844, and thus remove the trammels by which the trade on your State works were greatly injured—the revenue absorbed, and individual *industry, energy, ingenuity* and *enterprize* destroyed.

JOHN DOUGHERTY.

Hollidaysburg, February, 1844.